

**ORDER BELOW EXH. IN R.C.S. No. 417/2024**

*(Sk. Nasim Vs. Sayed Najir)*

The present application is filed under order 39 Rule 1 & 2 read with section 151 of Code of Civil Procedure 1908. Perused application, documents on record. Wherein, plaintiff has claim ad-interim ex-parte injunction.

2. It is submitted by the plaintiff that the defendnats are trying to disturb the possession of plaintiff. Further, the plaintiff trying to erect the road by disturbing the possession of the plaintiff, therefore ex-parte ad-interim injunction is necessary till apperance of defendant.

3. Ld. Advocate of the plaintiff argued that the defendants are trying to dispossess the plaintiff. In such circumstances, prayed to grant ex-parte ad-interim injunction till filing the written statement of defendnats.

4. Perused the application and record of the case. The plaintiff claimed to be in the possession of suit property. Considering the fact and circumstances of the case, there is no such urgency so as to dispense with the mandatory requirement of issuance of notice to opposite parties. The other defendants are required to be given an opportunity to be heard before passing or granting any relief. Hon'ble Apex Court in ***Ramrameshwari Devi & Others V/s Nirmala Devi & Others*** held that, short notice be issued to defendants and only after hearing parties appropriate order should have been passed. There is no such urgency so as to dispense with the mandatory requirement of issuance of notice to opposite parties. Hence, considered the account of manner I pass following order :

**ORDER**

1. The application is rejected.

2. E.P. & S.B. is allowed if required and on payment of necessary charges as per law.

**Aurangabad.**  
**Date - 26/04/2024.**

**(G. D. Gurnule)**  
**20<sup>th</sup> Civil Judge, Junior Division,**  
**Aurangabad.**

## CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer : G.K. Jadhav  
Court : G. D. Gurnule JMFC (Court No. 20), Aurangabad.

Date of Order : 26/04/2024  
Order signed by the  
presiding officer on : 26/04/2024  
Order uploaded on : 26/04/2024